

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of Administration, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 1—OFFICE OF ADMINISTRATION
Division 35—Division of Facilities Management
Chapter 2—Leasing

PROPOSED RESCISSION

1 CSR 35-2.010 Rule Objectives. This rule stated the objectives of the rules of the Office of Administration pertaining to the procedures for procuring and managing property leased from others, and for leasing excess property to others.

PURPOSE: This rule is being rescinded and combined with other established rules 1 CSR 35-2.020, 1 CSR 35-2.030, 1 CSR 35-2.040, and 1 CSR 35-2.050.

AUTHORITY: section 34.030, RSMo 1994. Original rule filed April 15, 1998, effective Nov. 30, 1998. Rescinded: Filed Nov. 30, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Division 35—Division of Facilities Management
Chapter 2—Leasing

PROPOSED RESCISSION

1 CSR 35-2.020 Definitions. This rule defined terms as used in rules 1 CSR 35-2.010 through 1 CSR 35-2.050 for procuring and managing leased real property.

PURPOSE: This rule is being rescinded and streamlined with other related rules 1 CSR 35-2.010, 1 CSR 35-2.030, 1 CSR 35-2.040, and 1 CSR 35-2.050.

AUTHORITY: section 34.030, RSMo 1994. Original rule filed April 15, 1998, effective Nov. 30, 1998. Rescinded: Filed Nov. 30, 2018.

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Title 1—OFFICE OF ADMINISTRATION
Division 35—Division of Facilities Management
Chapter 2—Leasing

PROPOSED AMENDMENT

1 CSR 35-2.030 [Administration of the Leasing Process] Procurement and Management of Leased Real Property. The Division of Facilities Management, Design and Construction is amending the title, amending the purpose statement, amending existing sections (1)–(3), deleting section (4), adding new sections (1) and (5)–(18), and renumbering.

PURPOSE: This amendment deletes the exceptions in section (4) regarding the carrying of weapons in leased facilities and, in its place, enacts a new section (18) that incorporates the exceptions in 1 CSR 35-1.050(5), “Weapons Capable of Lethal Use Prohibited; Exceptions.” This amendment also adds language currently found in other regulations in this chapter, which are in the process of being rescinded.

PURPOSE: This rule establishes the Office of Administration as the agency of authority and responsibility for procuring and managing leased real property, and establishes uniform procedures for procuring and managing leased real property.

(1) As used in this regulation—

(A) “Agency” means any organizational unit of state government, with the exception of the General Assembly, elected officials, the judiciary, Missouri Department of Conversation, Missouri Department of Transportation, institutions of higher education, and bodies corporate and politic;

(B) “Leased premises” means the property being or to be leased;

(C) “Lessor” means the landlord, owner, or agent of the owner of the leased premises;

(D) “Lessee” means the state of Missouri;

(E) “Tenant/using agency” means the organizational unit of state government which occupies the leased premises;

(F) “Premises” means all land, buildings, and equipment furnished as part of the property leased to the state;

(G) “Request for Proposal (RFP)” means a document describing the particular specifications the facility must comply with and the terms and conditions of the contract; and

(H) “Lease” means the documents formalizing and binding the lessor and the lessee. Contract documents include the signed request for proposal, any amendments thereto, and the counter-signed award page.

/(1)/(2) The */c/*Commissioner of */a/*Administration is the exclusive representative of the state of Missouri in all real estate leasing transactions except as otherwise provided in this chapter. Neither the tenant/using agency nor any individual, organization or group, other than the */c/*Commissioner of */a/*Administration, shall have authority to obligate the state of Missouri in real estate leasing transactions in any form.

/(2)/(3) The tenant/using agency *[shall have]* has primary responsibility for managing the day-to-day operation of the leased premises, but *[shall have]* has no authority to waive or modify provisions of the bid specifications or the terms and conditions of the lease. The tenant/using agency shall provide the */c/*Commissioner of */a/*Administration with written documentation of any problems,

complaints, or concerns that are contrary to the terms and conditions of the lease.

[(3)](4) The [c]Commissioner of [a]Administration may establish and maintain written guidelines to implement these regulations governing the leasing of real property. The guidelines may include, but not be limited to:

- (A) Procedures and documents for identifying the amount and type of real property needed;
- (B) Procedures and documents for procuring leased premises; and
- (C) Procedures and documents for administering the contracts.

[(4) All leases entered into by the Office of Administration shall prohibit carrying a firearm or other weapon readily capable of lethal use into the leased premises. This prohibition shall not apply to state and federal law enforcement officers, peace officers, probation and parole officers, wardens and superintendents of prisons or penitentiaries, members of the armed forces and national guard, persons vested with judicial authority by the state or federal court, and members of the state General Assembly, acting in their official capacity. This prohibition shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo while such person is servicing an automated teller machine (ATM) in a state owned or leased building; provided, however, that employers of such persons must supply in writing to the state facilities operations manager the names, addresses and photographs of their employees authorized to service such ATMs at least five (5) business days before such persons start servicing the ATMs, and the employers must immediately advise in writing to the state facilities operations manager when any such employee is no longer working for said employer. Possession of a firearm by a person holding a valid state concealed carry endorsement in a vehicle located in a parking area upon the premises of any area referenced in this rule shall not be prohibited so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.]

(5) All acquisitions of leased property, including both newly executed leases and the extensions of existing leases after all renewal options have expired, will be procured through competitive proposals, unless the Commissioner of Administration deems it to be in the best interest of the state to negotiate a particular procurement.

(6) For each lease, the Commissioner of Administration, in conjunction with the tenant/using agency, may develop a Request for Proposal (RFP) for the property to be acquired.

(7) The Commissioner of Administration may suspend from bidding on state leases any individual or organization who—

- (A) Materially fails to comply with the provisions of an award from the state or a lease agreement with the state;
- (B) Submits false or misleading information in response to an RFP;
- (C) Takes actions that are intended to inhibit or prevent the operation of an open, competitive bid or proposal process; or
- (D) Acts in a manner contrary to sound or ethical business practice, or in a manner deemed by the Commissioner of Administration to be detrimental to state leasing practice.

(8) The Commissioner of Administration may require any bidder/lessor to submit a surety document payable to the state of Missouri to insure compliance with the RFP and/or lease.

(9) The Commissioner of Administration will conduct an evalua-

tion of all proposals in accordance with the RFP, if applicable.

(10) The decision to award a lease to a lessor will be based upon the lowest and best proposal received in accordance with the terms of the RFP, if applicable.

(A) No individual, agency, or organization other than the Commissioner of Administration may obligate the state of Missouri in the procurement of leased real property.

(B) The Commissioner of Administration reserves the right to reject any and all proposals, and may waive any minor informality or irregularity in a proposal.

(C) The lessor will be required to comply with all terms and conditions stipulated in the proposal as accepted.

(11) The Commissioner of Administration may require the successful bidder/lessor to submit specified documents detailing any renovation and/or construction that is to occur on the premises to insure compliance with the proposal.

(12) The Commissioner of Administration may signify that the documents for major construction projects or renovations have been reviewed and accepted by issuing a notice to proceed to the successful bidder/lessor.

(13) In order for any lease of real property to obligate the state of Missouri, the lease must be signed by the Commissioner of Administration or the director of the Division of Facilities Management, Design and Construction, or one of their designees.

(14) The rights and obligations of the lessor and the lessee will be as specified in the lease.

(15) The tenant/using agency will be responsible for the day-to-day operations of the rental facility.

(16) The Commissioner of Administration has the authority to make a one- (1-) time lump-sum payment to a lessor for improvements to a leased facility under the following conditions:

(A) The improvements would provide a direct benefit to the operations of the state's programs but are not covered by the lease, such as maintenance, upkeep, or repair of the facility;

(B) The amount paid by the Commissioner of Administration for the construction of the improvements is no more than the reasonable cost to construct the improvements; and

(C) The remaining term of the lease, including the lessee's options to renew, exceeds twelve (12) months. A one (1)-time payment may only be made in the last one- (1-) year renewal period of a lease if necessary to meet unforeseen changes in program requirements.

(17) Monies to fund all payments due under lease agreements are appropriated annually by the Missouri General Assembly for one (1) fiscal year beginning July 1. No lease shall be binding on the lessee unless and until appropriations have been made by the Missouri General Assembly and, if applicable, funds have been received from the United States government for any payment therefor. This limitation applies to any fiscal year during the initial period and all renewal periods.

(18) All leases entered into by the Office of Administration will prohibit carrying a firearm or other weapon readily capable of lethal use into the leased premises, subject to the exceptions set forth in 1 CSR 35-1.050.

AUTHORITY: sections 8.110[,] and 8.320, RSMo 2016, and sections 34.030[,] and 37.005, [and 536.025, RSMo 2000 and 536.023.3,] RSMo Supp. [2005] 2017. Original rule filed April

15, 1998, effective Nov. 30, 1998. Emergency amendment filed Oct. 9, 2003, effective Oct. 19, 2003, expired April 15, 2004. Amended: Filed Oct. 9, 2003, effective April 30, 2004. Amended: Filed Oct. 27, 2005, effective April 30, 2006. Amended: Filed Nov. 30, 2018.

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Division 35—Division of Facilities Management
Chapter 2—Leasing

PROPOSED RESCISSION

1 CSR 35-2.040 Lease Acquisition. This rule established a uniform procedure for procuring leased real property.

PURPOSE: This rule is being rescinded and combined with other established rules, 1 CSR 35-2.010; 1 CSR 35-2.020; 1 CSR 35-2.030; CSR 35-2.050.

AUTHORITY: section 34.030, RSMo 1994. Original rule filed April 15, 1998, effective Nov. 30, 1998. Rescinded: Filed Nov. 30, 2018.

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Chapter 2—Leasing

PROPOSED RESCISSION

1 CSR 35-2.050 Management of Leased Real Property. This rule established a uniform procedure for managing leased real property.

PURPOSE: This rule is being rescinded and combined with other established rules, 1 CSR 35-2.010; 1 CSR 35-2.020; 1 CSR 35-2.030; 1 CSR 35-2.040.

AUTHORITY: section 34.030, RSMo 1994. Original rule filed April 15, 1998, effective Nov. 30, 1998. Rescinded: Filed Nov. 30, 2018.

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Title 2—DEPARTMENT OF AGRICULTURE

Division 70—Plant Industries
Chapter 17—Industrial Hemp

PROPOSED RULE

2 CSR 70-17.010 Definitions

PURPOSE: This rule lists definitions for Chapter 17.

The terms defined in sections 195.010 and 195.740, RSMo in addition to other relative terms pertaining to the industrial hemp agricultural pilot program will be applied for use in 2 CSR 70-17.010 to 2 CSR 70-17.120.

(1) Agricultural Hemp Seed Production Permit – permit issued by the Missouri Department of Agriculture to registered growers and handlers engaged in the production of agricultural hemp seed that:

(A) Is sold or intended to be sold to registered growers for planting; or

(B) Remains capable of germination.

(2) Applicant – a person, joint venture, or cooperative who submits an application for registration as a grower and/or handler.

(3) CBD – cannabidiol.

(4) Certificate of analysis – a certificate from an independent testing laboratory describing the results of the laboratory's testing of a sample.

(5) Certified agricultural hemp seed – seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of any country, state, territory, or possession of the United States to officially certify seed and that has standards and procedures approved by the Association of Official Seed Certifying Agencies (AOSCA) to assure the genetic purity and identity of the seed certified.

(6) Cooperative – organization that is owned and run jointly by its members, who share the profits or benefits.

(7) Delta-9 THC – delta-9 tetrahydrocannabinol.

(8) Department – The Director of the Department of Agriculture and all department employees.

(9) Destroy/destruction – rendered unusable by burning or incorporating with other materials in a manner approved by the Missouri State Highway Patrol.

(10) Grower registration – registration issued by the Missouri Department of Agriculture to applicants for production and cultivation of industrial hemp.